REMARKS

In the December 21, 2006 Office Action, the specification was objected to and claims 1-6 stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

None of the claims are being amended by the current Amendment. Thus, claims 1-6 are pending, with claim 1 being the only independent claim. Reexamination and reconsideration of the pending claims are respectfully requested in view of the above amendments and the following comments.

Specification

On page 2 of the Office Action, the title was objected to for descriptive. In response, Applicants have amended the title to "PUMP UNIT WITH MULTIPLE OPERATION MODES". Withdrawal of the objection is respectfully requested.

Rejections - 35 U.S.C. § 102

On pages 2-3 of the Office Action, claims 1-6 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,199,854 (Aoyama).

Applicants respectfully assert that this structure is ***not*** disclosed or suggested by Aoyama or any other prior art of record. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference.

Independent claim 1 recites:

> ...the control device being configured to control the switching valve ***and the variable-speed motor*** so that operation is selectively performed in a first mode in which the first discharge line and the second line are disconnected with each other to make the first fixed-capacity type pump unloaded such that a constant-horsepower operation is performed, and a second mode in which the first discharge line and the second discharge line are connected with each other such that a constant-horsepower operation is performed. (Emphasis Added)

In claim 1 of the present application, a control device controls not only the switching valve ***but also the variable speed-motor***. That is, the control device creates a first mode in which the first discharge line and the second line are disconnected with each other to make

the first fixed-capacity type pump unloaded such that a constant-horsepower operation is performed, and a second mode in which the first discharge line and the second discharge line are connected with each other such that a constant-horsepower operation is performed.

Referring to Figure 1 of Aoyama, a discharge control circuit 50 does not control an engine 36. The discharge control circuit 50 merely controls switch valves 42 and 43. The discharge control circuit 50 by itself does not make any determination for the rotational speed of the engine 36, i.e. discharge amount, although the discharge control circuit 50 includes an input for discharge amount (amount of fluid) and discharge pressure.

Therefore, Applicants respectfully submit that claim 1 is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicants believe that the dependent claims are also allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Also, the dependent claims are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does not anticipate the independent claim 1, neither does the prior art anticipate the dependent claims.

Applicants respectfully request withdrawal of the rejections.

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In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-6 are in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

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